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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,553	07/29/2003	Eng-Giap Koh	59644(71987)	7474
21874	7590	09/12/2006	EXAMINER	
EDWARDS & ANGELL, LLP			DOAN, DUC T	
P.O. BOX 55874			ART UNIT	PAPER NUMBER
BOSTON, MA 02205			2188	

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/630,553	KOH ET AL.	
	Examiner	Art Unit	
	Duc T. Doan	2188	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/22/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set for in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/22/06 has been entered.

Claims 1-8 have been presented for examination in this application. In response to the last office action, the title have been amended, claim 4 has been canceled, claims 1,7 have been amended. As the result, claims 1-3,5-8 are now pending in this application.

The objection to the title is withdrawn.

Claims 1-3,5-8 are rejected.

Applicant's arguments filed 6/22/06 have been fully considered but they are not persuasive. Therefore, the rejections from the previous office action are respectfully maintained, as follows,

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3,5-8 rejected under 35 U.S.C. 103(a) as being unpatentable over Makishima (Japan JP 11-164234-A) and in view of Miura (US 5583715); (Evidentiary references: Allen et al (US 5151990)).

As for claim 1, Makishima discloses a data storage method, which is applicable to a computer device having a RTC (real-time clock) unit (It's well known in the art that a computer device is provided with a real time clock; For example, the clock is used to generate the creation date of files directories stored in a computer; Makishima's page 13 paragraph 12, page 21 paragraph 33 describes function of such a clock), comprising the steps of: (1) determining if a memory unit of the computer device has enough capacity for data storage when the computer device receives data from a memory card and an inputted request for storing the data; if no, prompting an error message to a user and terminating a data storage process; if yes, proceeding to step (2) (Makishima's page 22 paragraph 36 describes a mean to detect the signal which is generated when a memory card is inserted; Makishima's page 12 paragraph 10; pages 20-21 paragraphs 33-34; page 19 paragraph 30 clearly disclose the data receiving from a recording medium, whereas the recording medium includes: memory card such as compact flash, magnetic memories, mageto-optic memory media such as floppy disks, hard disk, CR-ROM etc..; This recording medium can be removable external devices to the processing element (i.e the camera), or be built with the camera; Makishima's paragraph 13 further discloses step requiring an inputted request for storing the data, for example when a user presses the button attached to the

camera); (2) reading the RTC unit via the computer device to obtain a time value of a particular date when the data are received ; (3) determining if the memory unit of the computer device performs data storage operation on the particular date; if no, setting an identification value to be 1, and proceeding to step (5) (Makishima's page 23 paragraph 38 clearly describes the situation if only one directory has been made on the same day, the directory name comprises of date, time and the sequence number of 1) ; if yes, obtaining an identification value of the latest processed data folder on the particular date, and proceeding to step (4) ; (4) adding the obtained identification value by 1 via the computer device (Makishima clearly describes in page 23 paragraph 38 the situation if more than one directory has been made on the same day, the name for the new directory is obtained from the last directory and the increment of a sequence number); and (5) using the time value from the RTC unit and the identification value from the step (3) as a name for a folder to be created (Makishima's page 23 paragraph 38, page 14 paragraph 16 clearly describes of using the date as obtained from RTC to form the name for the directory being created), and completely storing the data in the memory unit via the computer device (Makishima discloses a directory naming method which uses date and time and sequence number such that the files in these directories can keep the same names and yet the files will not be overwritten, Makishima's page 10 lines 1-15, pages 25-26 paragraph 45; This directory name method can be applied to images stored in any recording medium such as memory card, magnetic, magneto-optical of various devices such as cameras (Makishima's page 12 paragraph 10; pages 20-21 paragraphs 33-34); By organizing files into directories the files can easily moved to other devices such as personal computer (Makishima's page 19 paragraph 30). Makishima does not describe the claim's detail of checking the capacity of the receiving storage

device. However, Miura describes of a computer receiving images to store into its floppy disc (Mimura's Fig 1). The computer checks for the capacity of the disc to determine if the disc can store the images, if not the operation is aborted, and an error processing is generated (Mimura's Fig 1: #s3, #s9). It would have been obvious to one of ordinary skill in the art at the time of invention to include the capacity checking method as suggested by Miura in Makishima's system to detect and abort the operation early, thereby the system does not have to carry out the disc access and disk writing steps, since the disc accessing and writing are much slower than IC memory device (Makishima's column 1 lines 55-62). As for the claim's aspect of sending an error message to the user, it has been know in the art that when an operation cannot be carried out, the user is sent a error message; This teaching is evident in Allen et al (US 5151990 column 1 lines 35-40; column 2 lines 25-35), which is introduced here as an evidentiary reference.

As for claim 2, Makishima discloses wherein the computer device is selected from the group consisting of a desktop personal computer (PC), notebook computer, digital camera, digital voice/video recorder, mobile phone, multimedia player, and personal digital assistant (PDA) (Makishima's page 12 paragraph 10; pages 20-21 paragraphs 33-34; page 19 paragraph 30, digital camera).

As for claim 3, Makishima discloses wherein the memory unit is a hard disk (HDD) or memory card (claim 3; Makishima's page 12 paragraph 10; pages 20-21 paragraphs 33-34; page 19 paragraph 30 clearly disclose the data receiving from a recording medium, whereas the recording medium includes: memory card such as compact flash, magnetic memories, mageto-optic memory media such as floppy disks, hard disk, CR-ROM etc..).

As for claim 5, the claim recites wherein in the step (5), the time value from the RTC unit and the identification value from the step (3) are used as a name for a created folder, allowing the data to be stored in this folder. The claim rejected base on the same rationale as in the rejection of claim 1.

As for claims 6-7, Makishima discloses wherein the memory card is selected from the group consisting of a CF (CompactFlash) card, PCMCIA (Personal Computer Memory Card International Association) card, SD (secure digital) card, MS (memory stick) card, and SMC (smart media card) (claim 6; Makishima's page 12 paragraph 10); wherein the memory card is selected from the group consisting of a CF card, PCMCIA card, SD card, MS card, and SMC (claim 7; Makishima's page 12 paragraph 10).

As for claim 8, the claim recites wherein in the step (5), the time value from the RTC unit and the identification value from the step (3) are used as a name for a data file to be stored in the computer device. The claim rejected base on the same rationale as in the rejection of claim 1.

Response to Arguments

Applicant's arguments in response to the last office action has been fully considered but they are not persuasive. Examiner respectfully traverses Applicant's arguments for the following reasons:

As to the remarks on pages 5-7 concerning the claim 1,

I) Applicant appears to argue that Makishima does not teach the claim's limitations of: "receiving data from a memory card and an inputted request for storing data.." and subsequently create a folder and storing the data in the memory unit via the computing device. Examiner respectfully disagrees.

Makishima's page 12 paragraph 10; pages 20-21 paragraphs 33-34; page 19 paragraph 30 clearly disclose the data receiving from a recording medium, whereas the recording medium includes: memory card such as compact flash, magnetic memories, mageto-optic memory media such as floppy disks, hard disk, CR-ROM etc.; This recording medium can be removable external devices to the processing element (i.e the camera), or be built with the camera.

Makishima's paragraph 13 further discloses step requiring an inputted request for storing the data, for example when a user presses the button attached to the camera, or the signal (i.e "input request") which is generated by other means in the camera, causes the subsequent action, creating the directories (Makishima's paragraph's 13, notifies it to a directory creation mean) in order to store data in the memory unit of the camera (Makishima's paragraph 18, camera makes directories at many kinds of timing including when there is a "request" command from a user).

II) Applicant argues that in Miura's reference, the image data is stored on a floppy disk, not being stored on the memory card, as claimed, and therefore somehow it cannot combine with Makishima reference. It's well known in the art that the image data can be stored on various media types. In fact, Makishima's paragraph 10 clearly indicates the data receiving from a recording medium, whereas the recording medium includes: memory card such as compact flash, magnetic memories, mageto-optic memory media such as floppy disks, hard disk, CR-ROM etc.; This recording medium can be removable external devices to the processing element (i.e the camera), or be built with the camera.

Conclusion

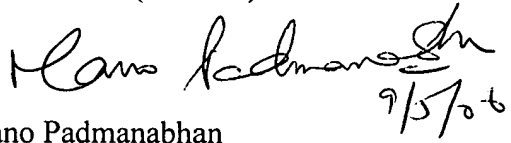

When responding to the office action, Applicant is advised to provide the examiner with the line numbers and page numbers in the application and/or references cited to assist examiner to locate the appropriate paragraphs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Doan whose telephone number is 571-272-4171. The examiner can normally be reached on M-F 8:00 AM 05:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on 571-272-4210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DD


9/5/06

Mano Padmanabhan

Supervisory Patent Examiner

Art Unit 2188

**MANO PADMANABHAN
SUPERVISORY PATENT EXAMINER**

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